REMARKS

The Office Action dated August 18, 2008 has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

No claims have been amended and no claims have been cancelled. New claims 29-37 have been added. No new matter is believed to have been added. Therefore, claims 1-5, 7-15, and 20-37 are pending in the application, of which claims 1, 14-15, 20, 24, 26-29, 32, and 35 are independent. It is believed that all grounds for rejection in the Office Action have been addressed and that the present application is currently in condition for allowance in view of following comments. Claims 1-5, 7-15, and 20-37 are respectfully submitted for consideration.

Claims 1-5, 7-15, and 20-28 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,725,053 (Rosen). More particularly, the Office Action asserted that Rosen discloses all of the elements recited in the claims. However, Applicants respectfully traverse this rejection as follows.

Independent claim 1, upon which claims 2-5 and 7-13 are dependent, recites a method. The method comprises including floor status information of a data communication media in relation to a party of a communication session in a message carrying data communication media information for the communication session. The method comprises sending the message from a communication system to a user equipment. The method also comprises generating the message in accordance with a session description protocol.

Independent claim 14 recites a computer program embodied on a computer readable medium comprising a program code configured to control a processor to execute a process. The process comprises including floor status information of a data communication media in relation to a party of a communication session in a message carrying data communication media information for the communication session. The process comprises sending the message from a communication system to a user equipment. The process also comprises generating the message in accordance with a session description protocol.

Independent claim 15 recites a system that includes a data network configured to provide data communication resources. The system comprises an application server configured to connect to the data communication network. The application server is configured to include floor status information of a data communication media in relation to a party of a communication session in a message carrying data communication media information for the communication session and to send the message to a user equipment via the data network. The system comprises a processor configured to generate the message in accordance with a session description protocol.

Independent claim 20, upon which claims 21-23 are dependent recites an apparatus. The apparatus comprises a processor configured to include floor status information of a data communication media in relation to a party of a communication session in a message carrying data communication media information for the communication session. The processor is configured to send the message to a user

equipment via a data network, and configured to generate the message in accordance with a session description protocol.

Independent claim 24, upon which claim 25 is dependent recites a system. The system comprises a node configured to transmit or receive a message describing a communication session. The message carries data communication media information for the communication session and floor status information of a data communication media in relation to a party of the communication session. The system also comprises a processor configured to generate the message in accordance with a session description protocol.

Independent claim 26 recites a system. The system comprises an including means for including floor status information of a data communication media in relation to a party of a communication session in a message carrying data communication media information for the communication session. The system comprises a sending means for sending the message from a communication system to a user equipment. The system comprises a generating means for generating the message in accordance with a session description protocol.

Independent claim 27 recites a system. The system comprises a data network means for providing data communication resources. The system comprises an application server means for connecting to the data communication network, wherein the application server means includes floor status information of a data communication media in relation to a party of a communication session in a message carrying data

communication media information for the communication session and sends the message to a user equipment via the data network. The system comprises a generating means for generating the message in accordance with a session description protocol.

Independent claim 28 recites an apparatus. The apparatus comprises an including means for including floor status information of a data communication media in relation to a party of a communication session in a message carrying data communication media information for the communication session. The apparatus comprises a sending means for sending the message to a user equipment via a data network. The apparatus comprises a generating means for generating the message in accordance with a session description protocol.

Independent claim 29, upon which claims 30 and 31 are dependent, recites a method. The method comprises receiving a message describing a communication session, wherein the message carries data communication media information for the communication session and floor status information of a data communication media in relation to a party of the communication session. The message has been generated in accordance with a session description protocol. The method also includes indicating the floor status information to the party.

Independent claim 32, upon which claims 33 and 34 are dependent, recites an apparatus. The apparatus comprises a processor configured to receive a message describing a communication session. The message carries data communication media information for the communication session and floor status information of a data

communication media in relation to a party of the communication session. The message has been generated in accordance with a session description protocol. The processor is also configured to provide an indication of the floor status information to the party.

Independent claim 35, upon which claims 36 and 37 are dependent, recites a computer program embodied on a computer readable medium comprising a program code configured to control a processor to execute a process. The process comprises receiving a message describing a communication session. The message carries data communication media information for the communication session and floor status information of a data communication media in relation to a party of the communication session. The message has been generated in accordance with a session description protocol. The process also comprises indicating the floor status information to the party.

As will be discussed below, Rosen fails to disclose or suggest all of the features of the presently pending claims, and therefore fails to provide the features discussed above.

Rosen generally discusses a method and apparatus for reducing latency in waking up a group of dormant communication devices. More particularly, Rosen generally discusses reducing latency in waking up a group of dormant push-to-talk communication devices in a net within a group communication network (see Rosen, column 1, lines 15-19)

However, Applicants respectfully submit that the assertion that Rosen discloses all of the elements of the claims, which made by the Office Action, is incorrect. In particular, the Office Action asserted that Figure 1 and column 3, line 5 to column 6, line

30 discloses "including floor status information of a data communication media in relation to a party of a communication session in a message carrying data communication media information for the communication session", as recited in claim 1, and as similarly recited in claims 15, 20, 24, and 26-28. This assertion made by the Office Action is incorrect for at least the following reasons.

According to Rosen, a transmission privilege generally allows a single user to transmit information to other net members at a given time (see Rosen, column 3, lines 57-59). The transmission privilege is granted or denied to a requesting net member, depending on whether or not the transmission privilege is currently assigned to another net member when the request is received (see Rosen, column 3, lines 59-63). In particular, when a user in the NBS (net broadcast service) 100 desires to transmit information to other net members, the user may depress the push-to-talk switch located on his or her CD (i.e. cell phone), thereby sending a floor-control request to obtain the transmission privilege from the communications manager (CM) 110. If no other net member is currently assigned the transmission privilege, the requesting user may be granted the transmission privilege and the user may be notified [of this grant] by an audible, visual, or tactile alert through the CD.

In other words, if no other net member is currently assigned the transmission privilege, then an alert message is transmitted to the user to indicate that the user may communicate with the other net members. However, this message, described in Rosen, does not "carry data communication media information" and also does not "includ[e]

floor status information of [the] data communication media", as recited in claim 1, and as similarly recited in claims 15, 20, 24, and 26.

Therefore, Rosen does not disclose, either expressly or implicitly, at least "including floor status information of a data communication media...in a message carrying data communication media information for the communication session" (emphasis added), as recited in the independent claims.

As such, in view of the above, Applicants respectfully submit that the Office Action's assertion that "if no other net member or session member is currently assigned to the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user" (see Office Action, page 2, item 2) qualifies as the features quoted above is clearly incorrect. Nothing in Rosen remotely suggests a "message" which includes both "floor status information" and "data communication media information", as is required by the independent claims. This is not surprising, since the message described in Rosen is merely used to notify the user that the user can transmit information.

Furthermore, Applicants respectfully request that the Office clearly point out in the cited section of Rosen where such features of the independent claims, as quoted above, are disclosed. Otherwise, the Office is respectfully requested to place in condition for allowance all of the claims recited in the pending application.

With respect to the limitation "generating the message in accordance with a session description protocol" in claim 1, and as similarly recited in claims 15, 20, 24, and

26, Applicants respectfully submit that Rosen fails to disclose, either expressly or implicitly, the features quoted above, for at leas the following reasons.

The Office Action, on page 2, item 2, conceded that the first embodiment of Rosen does not expressly call for an "session description protocol". However, the Office Action asserted that the second embodiment, i.e. Figure 2 and column 6, line 59 to column 7, line 10 of Rosen discloses the above-quoted feature. However, the assertion made by the Office Action is incorrect for at least the following reasons.

Figure 2 of Rosen illustrates a NBS net 200 for showing how a communication device 202 interacts with a CM 204 (see Rosen, column 6, lines 32-33). According to Rosen, CD 202, 206, and 208 are connected to CM 204, using at least one channel (see Rosen, column 6, lines 42-43). This channel is divided into separate channels including a session initiation protocol (SIP) channel, a NBS media signalling channel 212, and a media traffic channel 214 (see Rose, column 6, lines 43-46). In other words, Rosen discusses a number of channels are used in sending various messages.

Furthermore, Rosen discusses a session description protocol (SDP) signal is used within SIP channel 210 (see Rosen, column 6, lines 60-62). When the CD's participation within the NBS net is setup, real-time call control and signalling between the CD and the CM takes place, e.g. by using NBS media signalling channel 212 (see Rosen, column 6, lines 63-65). Rosen also discusses that the NBS media signalling channel 212 is also used to handle push-to-talk requests and releases, arbitrate between conflicting requests, or floor control, etc.

In light of the above, it is readily apparent that Rosen discusses the use of completely different channels for floor status signalling and media signalling. Assuming that Rosen was modified to provide floor status signalling and media information signalling on a single channel, this would still not constitute the presently claimed invention, i.e. "including floor status information of a data communication media...in a message carrying data communication media information...", as recited in claim 1, and as similarly recited in claims 14, 15, 24, and 26-28. In other words, the independent claims not only requires that status information and media information are transmitted on the same channel but specifies that they are included in the same message. Many different messages may be sent on a communication channel. There is no disclosure or suggestion anywhere in Rosen of sending a single message including both floor status information and data communication media information. Further still, even if there were such a disclosure, which there clearly is not, then there is no disclosure of generating such a message in accordance with a session description protocol. As discussed above, Rosen only suggests that a session description protocol signal is used within SIP channel 210 which is used only to start and end participation of a communication device within a net broadcast service.

Therefore, a combination of the "session description protocol" described in Rosen with the "NBS media signalling channel 212" described in Rosen would not produce the claimed invention. In fact, such a combination would not produce any type of working model. As discussed above, the session description protocol signal described in Rosen is

used within the SIP channel. This SIP channel functions separate from the NBS media signalling channel 212, as described in Rosen. Therefore, such a combination would not have been obvious to a person of ordinary skill in the art, at the time of the invention, to teach the features of the claimed invention. Rosen is not directed to combine the two channels described in Rosen. Further, nothing in Rosen would suggest otherwise.

Accordingly, Applicants respectfully request that the rejection of independent claims 1, 14, 15, 20, 24, and 26-28 be withdrawn and these claims be allowed for at least the reasons stated above. Furthermore, dependent claims 2-5, 7-13, 21-23, and 25 be withdrawn and these claims be allowed for at least the same reasons as their respective base claims, from which they depend upon, and for the specific limitations recited therein.

New claims 29, 32, and 35 recite "the message carries data communication media information for the communication session and floor status information of a data communication media in relation to a party of the communication session." Therefore, Applicants respectfully submit that new claims 29, 32, and 35 should be allowed for reasons similar those discussed above with respect to the independent claims 1, 14, 15, 20, 24, and 26-28. Furthermore, new dependent claims 30-31, 33-34, and 36-37 should be allowed for at least the same reasons as their respective dependent claims, from which they depend from, and for the specific limitations recited therein.

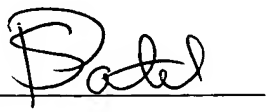
For at least the reasons stated above, Applicants respectfully submit that each of claims recite subject matter that is neither disclosed nor suggested in the cited art. Also,

it is respectfully submitted that the subject matter is more than sufficient to render the claimed invention unobvious to a person of ordinary skill in the art. It is, therefore, respectfully requested that all of claims 1-5, 7-15, and 20-37 be allowed, and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for Extension of Time
Additional Claim Fee Transmittal
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